

## COMMITTEE REPORT

**Date:** 14 October 2010                      **Ward:** Fulford  
**Team:** Major and Commercial      **Parish:** Fulford Parish Council  
Team

**Reference:** 10/01868/FUL  
**Application at:** York Designer Outlet St Nicholas Avenue York  
**For:** Temporary siting of public ice rink (November to January) on  
coach park  
**By:** Mrs Maria Farrugia  
**Application Type:** Full Application  
**Target Date:** 26 October 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application relates to land at the Designer Outlet in Fulford, in particular the coach park adjacent to the adjoining south entrance walkway. The proposal is for the use of the land for the operation of an outdoor recreational ice rink from 12/11/10 to 09/01/11 with opening times of 09.30 to 21.15 every day during this period.

1.2 The rink itself would measure 35 by 30 metres, with a canvas skate hire building to the west and café opposite to the east of the ice rink. A small wooden office and separate first aid building would be just to the south west of the rink, still within the coach park. A similar sized ticket office would sit just to the south of the rink.

1.3 This application has been brought before East Area Planning Sub Committee at the request of Cllr. Aspen so that residents, who have concerns about opening hours, lighting around the Designer Outlet premises and traffic movements, can have an opportunity to raise any points they wish to make in public. A site visit is recommended so that members can fully appreciate the concerns of local residents.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGP23

Temporary planning permission

CYGB1

Development within the Green Belt

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections.

Environmental Protection Unit - Requested additional information, update to be provided at committee.

Transport Planning - The Designer Outlet is operating extended opening hours in the run up to Christmas with buses running up to 21:30 on Monday to Friday, the ice rink organisers may wish to speak to the relevant parties to have this extended into the new year. Lighting at the centre should remain on to provide safe walking routes for pedestrians wanting to use the bus stops. Safe pedestrian and cycle routes should be identified and clearly marked out. Cycle parking should be provided which is secure and overlooked.

#### **3.2 External**

Fulford Parish Council - No response at the time of writing the report, update to be provided at committee.

Nearby Residents - Objections have been received from the residents of 34, 38, 48 and 52 Naburn Lane, as well as 1 Lingcroft Cottages, Lingcroft Lane. The objections received are summarised below:-

- The lighting would disturb migratory birds on the Fulford Ings SSSI
- Music from the rink would add to disturbance to residents created by the Designer outlet operation particularly at night
- The site is within the green belt where expansion / extension of premises is restricted
- The car parks are already overflowing at this time of year and the attraction would add to parking on Naburn Lane (raising safety concerns particularly for young children) and the slip road to the A19
- The additional noise and disturbance created by occasional events should not be made into a regular occurrence
- Diversification of use at the Outlet was not mentioned when permission was first granted
- Noise experienced by residents of Lingcroft Lane would be of great concern
- The A19 slip road is dangerous for pedestrians and cyclist; additional traffic would compound the danger
- The rink would be only around 100 m from properties on Naburn Lane, only 40 m further away than the rink was from the Courts in York, such that the disturbance would be very similar

Safer York Partnership - No objections.

## **4.0 APPRAISAL**

### **4.1 Key Issues:**

- Impact on neighbouring amenity;
- Traffic and car parking; and
- Impact on the Green Belt.

### **IMPACT ON NEIGHBOURING AMENITY**

4.2 Noise and light spillage levels are considered to be the key issues to consider in respect of the potential impact on local residents. The nearest residential dwellings are on Naburn Lane, the curtilage of number 2 Naburn Lane sits around 80m from the proposed ice rink. The carriageway of Naburn Lane, an access road within the Designer Outlet and a substantial area of landscaping sit between the proposed ice rink and the dwellings. Lighting and noise information is being produced and it is anticipated that it will be assessed by the Environmental Protection Unit prior to Planning Committee.

4.3 The ice rink would be operational between 09:30 and 21:15 hours. No lighting (other than security lighting) or public audio system is proposed to be used outside of these times. It is stated by the applicants that noise would be managed and that weekly neighbourhood meetings would take place to allow local residents to voice any concerns so that action can be taken quickly to rectify this. Other than the speaker system, which would be used to play background music and make public announcements, noise would be generated by school choirs and brass bands, which are expected to perform at the site. On the day of writing this report, additional information has been received regarding noise and lighting. This is to be assessed by the Environmental Protection Unit prior to the Committee meeting and an update is to be provided on the day.

### **TRAFFIC AND CAR PARKING**

4.4 The proposed ice rink and the associated buildings is sited within the coach park. The coach park can house 38 coaches. The proposed development would result in 31 of those spaces being used up with a desire for the remaining 7 spaces to not be used if possible to keep traffic away from the event site. While the ice rink is in place, coaches would be re-directed to the Blue Zone (site of the old park and ride site) of the Designer Outlet's car park. Information collected for the period 01/11/09 to 10/01/10 showed that on average only three coaches visited the site per day.

4.5 Previous information shows that an average days skating attracts approximately 800 skaters split over 10 sessions. It is anticipated by the applicants that the majority of users of the ice rink will be people who were attending the Designer Outlet for shopping purposes regardless. The applicants estimate that around 80 per cent of their customers will be visiting both the Outlet and the ice rink, with just 20 per cent visiting the ice rink. It is stated by the applicants that due to the number of linked trips, the sustainable transport choices available, and the age profile of the expected customers and their tendency to use non-car modes of transport, that the level of

additional traffic and demand for car parking spaces would not cause significant issues. However, this is a new use on a new site so it is difficult to accurately predict this information. Car parking information for the Designer Outlet shows that it is rare for more than 65% of the car park to be occupied, however there are some peak days when the car park almost reaches 100 per cent occupancy. Based on the information provided the Highways team raised no objections to the application. As there are a number of unknowns with regards to traffic generation and car parking, it is considered that a temporary consent only is suitable. The applicants agreed to amend the proposal from a five year temporary consent (November to January) to just one year.

#### GREEN BELT

4.6 The coach park within which the proposed ice rink is to be sited is within the Green Belt. Green Belt Policy GB1 allows for the development of essential facilities for outdoor sport or recreation where it would not detract from the open character of the Green Belt and where it would not conflict with the purposes of including land within the Green Belt. Given that the proposed ice rink is only proposed to be operational on a temporary basis and that the structures are relatively modest in scale in relation to the main shopping centre , it is considered that the proposal complies with Policy GB1.

#### OTHER CONCERNS OF LOCAL RESIDENTS

4.7 A number of local residents raised objections to the proposed development, which have not been addressed above. One of these related to the Fulford Ings SSSI and the impact of the proposal on migratory birds. Advice taken from the Countryside Assistant at the Council was that given the existing level of illumination and lighting at the Designer Outlet, the proposed development is unlikely to have an impact on migrating birds. A further concern was that the Designer Outlet was diversifying and that this was not mentioned at the time of the original application. However, it is considered that plans can adapt and change over time and the proposal should be assessed on its own merits. Concerns raised regarding traffic, amenities of local residents and impact on the green belt have been discussed above.

### 5.0 CONCLUSION

5.1 Subject to the noise and lighting information being considered to provide comfort in relation to the impact on the living conditions of local residents, the application is recommended for approval on a temporary basis.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 This use shall not begin prior to 12th November 2010 and shall cease by 10th January 2011 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number 1006 Rev P1 received by the CoYC on 31/08/10

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 All buildings and equipment used in association with the ice rink shall be removed from the site and the land reinstated to its former condition and use as a coach park at or before 31st January 2011 unless the Local Planning Authority shall first have approved an extension of the period in writing.

Reason: To ensure the coach park is re-instated in line with the requirements of the shopping centre.

4 The hours of operation of the ice rink and associated cafe shall be confined to 09:15 and 21:15 hours Mondays to Sundays. No lights (other than security lighting) or public audio systems shall be in use outside of these hours.

Reason: To safeguard the amenities of local residents.

5 Prior to first use details of all security lighting, including location and hours of use, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these details.

Reason: To protect the amenities of local residents and in the interests of crime prevention.

6 Prior to the first use of the ice rink, details shall be submitted to and approved in writing by the Local Planning Authority as to how sustainable transport choices will be promoted. This shall include promotion of bus services and safe and illuminated pedestrian and cycle routes. The development shall be carried out in accordance with the approved details.

Reason: For the reasons of sustainability and traffic management.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenities of local residents, the impact on the Green Belt, and impact on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning

Policy Guidance note 2 'Green Belts'.

## 2. INFORMATIVE

It is recommended that during the period of consent visitor numbers be recorded, including the number of linked trips and the mode of transport used. In addition a period of noise monitoring should be carried out. This information would be necessary as part of any future planning application.

### **Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339